

Date: Tuesday, 4 April 2017

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Contact: Linda Jeavons, Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

SOUTH PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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| SOUTH PLANNING COMMITTEE | | |
|---|-----------------|---------------------------|
| SCHEDULE OF ADDITIONAL LETTERS | | |
| Date: 04.04.17 | | |
| NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting | | |
| Item No. | Application No. | Originator: |
| 5 | 16/03334/EIA | Member of the Public |
| <p>I am writing to object to this application. I have three main comments:</p> <p>I have read through the NPPF in relation to the application, and material considerations seem clear to me, the main ones being that the land is within an AONB and adjacent to a thriving business (and historic building) which this development will adversely affect. Many of the comments in support of this development refer to the farmer being local and supporting a family. While this is true and admirable, it is not a material consideration. Employment issues do have material weight, but in this case it looks as though the adjacent business at The Hurst employs more people (supports more families) and also draws on local labour and suppliers to a far greater extent than the proposed new business at Hurst Barn.</p> <p>Herefordshire Council's planning committee threw out a similar application toward the end of 2016, on the grounds that this sort of agriculture is industrial, not farming. They reasoned that not enough research has gone in to the effects of this kind of development on localities and that these developments bear no relation to a sense of place and community.</p> <p>I read in the comments that some neighbours of Hurst Barn believe that promises of noise reduction, light restrictions and visual threat to local amenity will be mitigated by Conditions on the application, should permission be granted. I would respectfully urge the community not to rely on the planning authority to enforce any conditions applied to the application. Herefordshire Council has already stated that it is no longer expedient to enforce Conditions, as they become increasingly strapped for resources and time. I do not believe that Shropshire Council planning officials have the resources moving forward to ensure that any conditions on granted applications are adhered to.</p> | | |
| Item No. | Application No. | Originator: |
| 5 | 16/03334/EIA | Shropshire Wildlife Trust |
| <p>Shropshire Wildlife Trust welcomes the additional ecological measures to address potential impacts from the development. They are a great improvement on the original suggestions and go some way to addressing our concerns. We would recommend that all the measures are required by condition and that their implementation is carefully checked and enforced. This is particularly relevant to the water quality monitoring.</p> | | |
| Item No. | Application No. | Originator: |
| 5 | 16/03334/EIA | Natural England |
| <p>Planning consultation: Additional Information - Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access Location: Hurst Barn, Clunton, Craven Arms, Shropshire, SY7 0JA</p> <p>Thank you for your consultation on the above dated 08 March 2017 which was received by Natural England on the same date. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby</p> | | |

contributing to sustainable development.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within the catchment of the River Clun upstream of the the River Clun Special Area of Conservation (SAC) which is a European site.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Habitats Regulations Assessment

Natural England has been in dialogue with your authority, as competent authority under the provisions of the Habitats Regulations, to help your authority undertake an Appropriate Assessment and we have now received the final version

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the River Clun SAC. Having considered the revised assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured and enforced in any permission given.

We have also advised conditions are attached requiring a long term monitoring scheme be designed and submitted prior to commencement of development. The scheme should involve water quality sampling on the River Clun upstream and downstream of the applicants landholding. This should include the construction period and will provide alerts of any decay in water quality associated with the proposal. It will demonstrate whether the mitigation proposed is working and if further remedial measures are necessary. Additionally this should also show improved water quality to demonstrate the positive outcomes of the proposed mitigation. These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which the River Clun SAC and River Teme SSSI are notified (freshwater pearl mussel). If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- ☐ Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- ☐ Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Air Pollution – In combination impacts

A High Court judgment was handed down on 20 March 2017 in *Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351 (Copy attached) Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and

the South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally developed guidance agreed with other UK statutory nature conservation bodies. The court found that Natural England's advice on the in-combination assessment of air quality impacts in this case was flawed. We are considering the details of this decision and the implications for our advice. Competent authorities should seek their own legal advice on any implications of this recent judgment for their decisions.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A. *standard annex A*

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

| Item No. | Application No. | Originator: |
|----------|-------------------------------|------------------|
| 6 | 15/05330/EIA Walkhamwood Farm | Planning Officer |

Biomass boiler

The application has been assessed on the basis that poultry litter produced at the site would be burned in the proposed biomass boiler. Officers therefore consider that it would be reasonable to require that the operation is undertaken in this way. Officers recommend that, if permission is granted, this is subject to an additional condition to require that a majority of poultry litter is burned at the site, as follows:

Prior to the commencement of the development a scheme shall be submitted in writing for the approval of the local planning authority which set out procedures for ensuring that, wherever practicable, no less than 50% of the poultry litter produced at the site shall be burned in the biomass boiler. The submitted details shall identify measures for dealing with emergency situations such as plant breakdown, to ensure that this proportion can be maintained wherever practicable.

Records of the proportion of poultry litter that is burned shall be kept and made available to the local planning authority on request.

The development shall be undertaken in accordance with the approved scheme.

Reason: The application has been assessed on the basis that poultry litter would be burned. This condition is required to ensure that there are no significant changes to this to ensure that additional impacts such as additional noise or odour do not arise.

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